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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/047,102

01/17/2002

Akira Date

500.37453CX2

6770

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05/13/2009

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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/047,102	DATE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	GIRUMSEW WENDMAGEGN	2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/369401.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 2/17/2009 have been fully considered but they are not persuasive.

On page 11 applicant argues that Matsumoto et al does not disclose wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data. Matsumoto disclose in figure 11 and 12 individual pictures management information and figure 13 and 14 group of pictures management information. Therefore Matsumoto does disclose the specified limitation.

The applicant on page 11 argues that Matsumoto does not disclose "a first recording time... And a last recording time". However examiner respectfully disagrees. Figure 12 of Matsumoto the pictures are arranged based on year, month day and time. For example if we take picture 1-26 as a group of picture the starting time (first recording time) would be 1344 12/21/92 and end (last recording time) 0832 02/06/92 . Another example if day 24 month 12 year 92 is picked it would have 3 pictures as a group starting time ( first recording time) 2150 to ending at 2210 (last recording time). Therefore Matsumoto does disclose first recording time and last recording time.

The applicant on page 12 argues that Matsumoto does not disclose a specific separated data area specifying a first recording time and a last recording time in the still picture in a still picture group. The examiner respectfully disagrees. In Figure 12 attribute data 1102 are shown in a table form which indicates first recording time and last recording time as described earlier. Therefore Matsumoto et al meets the limitations in the claims and the rejection is maintained.

### ***Response to Arguments***

Applicant's arguments with respect to claim1, 4-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim1, 4-8, 10, 12, 14-17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (Patent No US 5,796,428) further in view of Sakai et al (Patent No US 6,081,251).

Regarding claim 1, 4 and 5, Matsumoto et al (hereinafter Matsumoto) teaches a method for playing back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing still picture data and N still picture data of said N still picture as a still picture group, where N is an integer number equal to or larger than one, wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data which specifies a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device (see figure 10-12, pictures with same year, month and day arranged based on time; column 3 line 28-36; column 10 line 39-50) but does not teach receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device; comparing said predetermined times stored in said still picture group management information; and selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time. However Sakai et al (hereinafter Sakai) teach receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device (see figure 6); comparing said predetermined times stored in said still

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picture group management information (see column9 line7-17, line62-67); and selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time (see column9 line7-17, line62-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to search still picture as in Sasaki in Matsumoto because it would make retrieving and managing still picture much effective.

Regarding claim6, 7, and 8, Matsumoto teaches the method as claimed in claim 1, wherein said still picture data is non-movie still picture data, and wherein said still picture group management information is non-movie still picture group management information (see column4 line45-46).

Regarding claim10,12,14 Matsumoto teaches the method as claimed in claim 1, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device (see column7 line67-column8 line4).

Regarding claim15, 16, 17, Matsumoto teaches the method as claimed in claim 1, wherein the data area is more specifically first and last recording time data areas,

used to store the first recording time and the last recording time, respectively (see figure11 attribute data, and figure12 attribute data in a table form).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

***Allowable Subject Matter***

Claim9, 11, 13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621